



UNIVERSITY OF
TORONTO
FACULTY OF LAW

BORA LASKIN LAW LIBRARY

A standard linear barcode used for library cataloging.

3 1761 06102577 1

Materials for

**TRANSNATIONAL LEGAL PROBLEMS: AN INTRODUCTION
FIRST YEAR 2006-2007**

Spring 2007

**Professor Karen Knop
Faculty of Law
University of Toronto**

**The materials reproduced herein are for the education use of students at the University of Toronto
Faculty of Law only and are not for commercial sale or use.**

BORA LASKIN LAW LIBRARY

JAN - 8 2001

FACULTY OF LAW
UNIVERSITY OF TORONTO

TABLE OF CONTENTS

NB: Readings marked with an “R” are recommended, not required

Case-Study: Forced Marriage Abroad

Hossain & Turner, “Abduction for Forced Marriage”	1
Volpp, “Blaming Culture for Bad Behavior”	3

Public International Law

Introduction

Sources of International Law

Statute of the International Court of Justice, art.38(1)	8
Brunnée & Toope, “A Hesitant Embrace: The Application of International Law by Canadian Courts”	9

International Courts

PICT Chart	15
International Court of Justice (18 July 2006)	17
Canada, ICJ declaration	19

Case-Study: Vienna Convention on Consular Relations

Kirgis, “President Bush’s Determination Regarding Mexican Nationals and Consular Convention Rights”	20
Amnesty International, “Adding Insult to Injury: the case of Joseph Stanley Faulder”	20
Vienna Convention on Consular Relations	24
Vienna Convention on the Law of Treaties	25
<i>Case Concerning Avena and Other Mexican Nationals (Mexico v. USA)</i>	26
<i>Right to Information on Consular Assistance in Framework of Due Process of Law</i> (Adv. Op.)	38

International Law in National Context

Currie, <i>Public International Law</i>	53
---	----

Case-Study: Does the State Have a Duty to Assist Nationals?

US Response to Avena	54
<i>Abbasi v. Secretary of State for Foreign and Commonwealth Affairs</i>	59
<i>Khadr v. Minister of Foreign Affairs</i>	76
Commission of Inquiry, <i>Report of the Events Relating to Maher Arar</i>	81

Koh, “Bringing International Law Home”

Koh, “Bringing International Law Home”	87
Slaughter, <i>A New World Order</i>	101

Statutory Interpretation

Baker v. Canada (Minister of Citizenship and Immigration)	104
---	-----

<i>Bouzari v. Republic of Iran</i>	113
Constitutional Interpretation	
<i>United States v. Burns</i>	129
<i>Suresh v. Canada (Minister of Citizenship and Immigration)</i>	153
 International Law and Democracy	
Clarkson & Wood, “Canada’s External Constitution and Its Democratic Deficit”	165
<i>Ahani v. Canada</i>	180
R Harrington, “Punting Terrorists, Assassins and Other Undesirables”	207
Harrington, “Redressing the Democratic Deficit in Treaty Law Making”	213
Gérin-Lajoie Doctrine	228
Bloc Québécois Communiqué (10 April 2006)	229
Canada NewsWire, “UN Declaration on the Rights of Indigenous Peoples”	231
R UN Declaration on Indigenous Peoples (as adopted by UN H.R. Council, 2006)	233
“The Non-Governmental Order”	250
 Extraterritorial Jurisdiction	
Case-Study: Extraterritoriality and Human Rights	
<i>R (on the application of “B”) v. Secretary of State</i>	252
CTV, “Group Seeks Asylum at Cdn. Embassy in Beijing”	264
International Covenant on Civil and Political Rights, Art. 12	266
 Universal Jurisdiction?	
<i>Case Concerning the Arrest Warrant of April 11, 2000 (Congo v. Belgium)</i>	267
<i>Bouzari v. Republic of Iran</i>	271
 International Criminal Court	
Materials to be distributed	
 Private International Law	
Case-Study: Powers of a Canadian Court	
<i>In re SK (An Adult) (Forced Marriage: Appropriate Relief)</i>	274
 Choice of Law: Foreign law in Canadian Courts	
Sack, “Conflicts of Law in the History of the English Law”	280
<i>Tolofson v. Jensen</i> (SCC, 1994)	285
 Limits: Public Policy	
<i>Society of Lloyd’s v. Meinzer</i>	310
<i>Kuwait Airways Corp. v. Iraqi Airways Co. (Nos. 4 and 5)</i>	319

Case-Study: Recognition of Foreign Marriages	
Marriages Overseas FAQ	320
Wardle, “International Marriage and Divorce Regulation And Recognition: A Survey”	321
“Same Sex Couple Lose Marriage Laws Challenge” (UK)	323
Gross, “Israeli Supreme Court Orders Registration of Same-Sex Marriage”	324
Cossman, “Migrating Marriages and Comparative Constitutionalism”	328
Non-State Law: A New Lex Mercatoria?	
Trakman, “From the Medieval Law Merchant to E-Merchant Law”	336
International Commercial Arbitration	
Overview: Arbitration as a Method of Dispute Resolution	
Park, “Text and Context in International Dispute Resolution”	339
Michell, “Review of International Commercial Arbitration”	350
History of Arbitration in Canada and the Balance Between Party Autonomy and Public Policy	
Carbonneau, “Alternative Dispute Resolution: Meeting the Lances and Dismounting the Steeds”	354
Mann, “Private Arbitration and Public Policy”	357
Paulsson, “Delocalization of International Commercial Arbitration: Why and When it Matters”	363
New York Convention and Model Law	
New York Convention	368
Model Law	375
Shalakany, “Arbitration and the Third World”	396

